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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Forty-fifth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 August 1993]

GE.93-14495 (E)

CONTINUATION OF VIOLATIONS OF HUMAN RIGHTS IN RWANDA DESPITE PLEDGES BY THE RWANDESE AUTHORITIES TO TAKE THE NECESSARY MEASURES TO PUT AN END TO THEM

I. INTERNATIONAL COMMISSION ON INQUIRY

1. An International Commission of Inquiry on Violations of Human Rights Committed in Rwanda, appointed by the International Federation of Human Rights (FIDH), Africa Watch (coordinators), the Inter-African Union for Human and Peoples' Rights and the International Centre for Human Rights and Democratic Development carried out an investigation from 7 to 21 January 1993 into violations of human rights committed in the country since 1 October 1990, when war broke out. In its report, published on 8 March 1993, the Commission, comprising 10 experts of 8 different nationalities, described the systematic massacres perpetrated in the country, killing over 2,000 civilians, mainly from the Tutsi ethnic minority but also including Hutu political opponents of President Juvenal Habyarimana and MRND (the National Republican Movement for Development and Democracy), the former single party in the country.

2. According to the International Commission, violations of human rights were the result of deliberate policy on the part of the regime. The Commission revealed and described the part (which it considered major) played by President Habyarimana and his entourage. The Rwandese armed forces, the armed militias of MRND and an allied party, CDR (Coalition for the Defence of the Republic) and administrative officials in communes and prefectures organized terror in the country with complete impunity. The Commission also established the reliability of reports indicating where mass graves had been dug, by excavating two such graves itself.

3. The Commission pointed out that the aim of heightening ethnic tension was to strengthen Hutu solidarity, and hence President Habyarimana's regime; the confrontations were also used as an excuse for blocking the process of democratization.

4. The Commission, conducting the first systematic inquiries into alleged human rights violations by the Patriotic Rwandan Front (FPR), concluded that FPR was guilty of summary executions, stealing and looting, going unpunished. Through a deliberate policy of driving the local population out of war zones, the Front had substantially aggravated population movements and the concentrations of people living in abject poverty in refugee camps.

II. FURTHER MASSACRES IN THE NORTH-WEST

5. The Commission was able to investigate and bring back information on incidents which took place in December 1992 and early January 1993. These were clearly the first stirrings of more serious violence. Several members of the Commission found that burgomasters in north-western communes had informed their districts that the violence would be kept within limits as long as the international experts were in the country but would break out when they left. And indeed, violence erupted again dramatically on 21 January, the day the International Commission departed, as if to confirm in advance the findings the Commission was preparing to publish, namely that the violence was organized by the country's political and administrative authorities.

6. Attacks and summary executions took place in the communes of Giciye, Satinsyi, Ramba, Kanama, Kayove and Kibilira in the prefecture of Gisenyi and in Rutsiro in the neighbouring prefecture of Kibuye. As more information became available, it became increasingly clear that the fresh massacres were following the plan described by the Commission for previous massacres. Incidents, sometimes serious, also occurred in the prefecture of Byumba.

7. After several weeks of this violence, FPR, breaking the cease-fire agreement, took up arms again and moved on the capital, Kigali. As a result, the number of displaced persons increased from 350,000 to about 1 million.

8. Violence increased considerably as Tutsis and members of the political opposition, accused of being "accomplices" of FPR, were killed. FPR was also responsible for large-scale violations of human rights, firstly because of the tragic effects on displaced persons of the renewal of hostilities, but also because it executed at least eight officials and the people found with them:

François Barengayabo, the Vice-President of the Court of Appeal, and his two sons;

Philip Gakwerere, the Inspector of Mines and Mineral Resources, his wife and three children;

André Bukuru, a Deputy Government Procurator;

Cléophas Ntamushobora, a Judge in Ruhengeri;

Jean-Bosco Munyaneza, a Deputy Procurator, his wife and two brothers;

Frédéric Rukasi, the Inspector of Public Works;

Léonard Ntiribaringira, a Deputy Government Procurator;

Thaddée Gasana, the burgomaster of the commune of Kinigi, and Elaste Ntuyenabo, a businessman active in politics who was with him.

Lastly, according to the local clergy, FPR killed about 200 civilians in Gahanga and other parishes near Ruhengeri. Most of these executions took place outside the context of military operations.

III. REACTION OF THE RWANDESE AUTHORITIES TO THE REPORT OF THE INTERNATIONAL COMMISSION

9. Having initially rejected the findings of the International Commission of Inquiry and accused it of partiality, the President finally had to come to an arrangement with the opposition. The upshot, on 7 April 1993, was a "statement by the Rwandese Government on the final report of the International Commission of Inquiry on violations of human rights in Rwanda since 1 October 1990". In this statement, the Rwandese Government acknowledged, deplored and condemned the violations of human rights ascribed to the Rwandese authorities and announced a list of measures it pledged to take to put a stop to them. It also promised to do everything necessary to ensure security for the Rwandese people and apply administrative and penal

sanctions to those guilty of human rights violations; it undertook to improve conditions in detention and to cease to hold prisoners in places not intended for detention, such as military camps; to carry out a campaign to convince the Rwandese people of the importance of national reconciliation and respect for human rights; to put an end to the activities of the political parties' armed militias; to reinstate people dismissed from their jobs on account of their alleged complicity with FPR; to continue the investigations begun by the International Commission of Inquiry into the mass graves it had discovered; to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international instruments on human rights; to withdraw the reservations it entered when ratifying some of them; to observe all the agreements resulting from the Arusha Peace Talks; and to continue the process of democratization and establish a national human rights commission.

10. The Government's pledges, if honoured, would have represented a substantial gain for human rights in Rwanda. Unfortunately, the Government has not made the slightest effort to honour them.

IV. VIOLATIONS OF HUMAN RIGHTS AND BLOCKING OF THE PEACE PROCESS

11. On 9 January 1993, in Arusha, United Republic of Tanzania, the Rwandese Government and FPR signed a peace agreement guaranteeing FPR a say in the running of the country and providing for the transition to the organization of free and fair elections. In a speech to the nation on 25 January 1993, a few days after the massacres recommenced, President Habyarimana described the violence as a popular reaction to the Arusha Agreements and said not a word against it. On 28 January, in another statement, he spoke against violence in weak and general terms.

12. In a letter dated 5 February 1993 to the International Federation of Human Rights, the President repeated his argument that the conflict between the Hutus and the Tutsis was the inevitable result of the FPR invasion. In a speech to the army chiefs in mid-March, he suggested that FPR, not the Rwandese authorities, was responsible for the massacres which had plunged the country into mourning; it was even possible that the massacres had been staged with the cynical intention of exploiting them for political aims, in other words as a pretext to renew hostilities.

13. On 3 February 1993, the Rwandese Government set up a political and administrative committee to investigate the "recent unrest". This committee reported back to the Government on 3 April. It documented a number of incidents constituting serious violations of human rights. Like other, earlier administrative committees, it provided useful information which showed incontestably that violations had occurred, while stopping short of any attempt to find out who was responsible.

14. Since then, the negotiations in Arusha have continued. Several times, just as everything has been in place for the signing ceremony, the Rwandese authorities have postponed the event on one pretext or another.

15. And yet, the continuing war and violations of human rights make life intolerable for the Rwandese people, with an atmosphere of terror, and

eight-year-olds conscripted into the MRND and CDR militias; with rapes, bomb attacks, individual executions of political opponents, mass executions; with looting by the army and weapons being handed out to civilians, making people fear that the situation could develop into the kind of chaos seen in other African countries; and with complete paralysis of the judicial system.

16. In a report published in June 1993, Africa Watch, one of the four organizations which sponsored the International Commission of Inquiry, gave a full account of the violations of human rights committed in Rwanda since 21 January 1993. In this report, Africa Watch expressed its fears that Rwandese society could fall apart in the near future. The report concluded with recommendations to the Rwandese Government, FPR and the international community, the following being its recommendations to the latter:

(a) All future aid to Rwanda should be linked to noticeable improvements in the area of human rights. It should be possible to measure the improvements by specific indicators, such as punishment inflicted on authorities implicated in human rights violations who are still in office; legal proceedings against administrative officials, members of the armed forces and other persons accused of abuses; and deletion of all reference to ethnic origin in identity documents;

(b) Special aid should be made available for improving the judicial system;

(c) Pressure should be put on the Rwandese Government to stop arming civilians and take steps to restrict the availability and sale of firearms;

(d) All military assistance to the Rwandese Government and FPR should be stopped, and pressure should be used to obtain the departure of foreign military personnel, including the immediate withdrawal of French troops, except for any carrying out international peace-keeping missions;

(e) It should continue to draw the Rwandese Government's and FPR's attention to human rights issues.

17. FIDH requests the Sub-Commission to take the necessary measures to put an end to the flagrant and systematic violations of human rights in Rwanda.

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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Forty-fifth session
Agenda item 10 (b)

THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES
QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 August 1993]

HUMAN RIGHTS AND STATE OF EMERGENCY IN THE SYRIAN ARAB REPUBLIC

1. The International Federation of Human Rights (FIDH) and its Syrian affiliate, the Organization of the Committees for the Defence of Democratic Freedoms and Human Rights in Syria (CDF), wish, once again, to draw attention to the disastrous consequences for the respect of human rights of the state of emergency which has been in force in the Syrian Arab Republic for more than 30 years. Thirty years lost in the history of what remains of a suffering society.

2. Since the forty-ninth session of the Commission on Human Rights, some 20 prisoners, six of whom had been in prison for more than 22 years, have been released. We are pleased about these releases but we feel that keeping 12 detainees in prison without charge for more than 22 years is unjustifiable (see annex 4).

3. Despite demands from the international human rights community, 15 CDF activists remain in prison, 10 of them having been convicted at the end of an unfair trial by a court of special jurisdiction merely for carrying out human rights activities. The other five have now been brought before the same court (see annex 1). They continue to be accused of terrorism by the Syrian authorities, most recently at the forty-ninth session of the Commission, although it is now internationally known that they have never advocated or used violence.

4. In this respect, it should be recalled that since August 1971 the Syrian Government has systematically accused prisoners of opinion of terrorism without ever bringing the relevant charges in an ordinary court of law, while the court convicting them has had no grounds for its existence since 1973, the date of the ratification of the Constitution by the country's highest executive and legislative bodies.

5. As regards prison conditions, the FIDH and the CDF are in possession of information attesting to practices which are absolutely incompatible with the Standard Minimum Rules for the Treatment of Prisoners, and which resulted in the deaths by torture of Mr. Ahmad Mattar, Mr. Dhuehi, Mr. Barakat and Mr. Rizq Qutaifan in 1993. The FIDH and the CDF are extremely worried about the state of health of the persons named in annex 2.

6. The death of 58 prisoners (4 of them political prisoners) in the Al Hasakah fire during the night of 23/24 March 1993 shows the precariousness of the situation in prisons in the Syrian Arab Republic.

7. Our organizations are concerned by the fresh arrests of women after the wave of releases of prisoners at the end of 1991. Four women - Rosette Issa, Khadija Dib, Fadwa Mahmud and Dhuha Ashour - are currently being arbitrarily detained and have been brought before the State security court.

8. The FIDH and the CDF are worried about the unfair trails of some 500 prisoners of opinion by the State security court. Communists, Baathists, Nasserists, Kurdish nationalists and human rights activists are collectively standing trial before this court, which awaited the end of the World Conference on Human Rights before delivering its first sentences (see annex 3).

9. The FIDH and the CDF call on the Sub-Commission to support their demand for the immediate and unconditional release of nearly 5,000 prisoners of opinion, the elimination of the Courts of Special Jurisdiction and the application of guarantees of the right to a fair trial. They also reiterate their demand that an end be put to the use of torture and that the perpetrators of such acts be punished.

Annex 1

A. CDF ACTIVISTS SENTENCED BY A COURT OF SPECIAL JURSIDCITION ON 17 MARCH 1992 TO 5 TO 10 YEARS' IMPRISONMENT WITH HARD LABOUR AND DEPRIVATION OF CIVIL RIGHTS

Aktham Nouaisseh (9 years)

Afif Mizher (9 years)

Muhammed Ali Habib (9 years)

Nizar Nayouf (10 years)

Bassam al-Shaykh (8 years)

Thabet Murad (5 years)

Jadi' Nawfal (5 years)

Ya'qub Musa (5 years)

Hassan Ali (5 years)

Hussam Salama (5 years)

B. CDF ACTIVISTS CURRENTLY STANDING TRIAL BEFORE THE STATE SECURITY COURT

Ibrahim Habib, arrested on 27 February 1992, Sednaya Prison

Najib Ata Layqa, arrested on 27 February 1992, Sednaya Prison

Jihad Khazem, arrested on 27 February 1992, Sednaya Prison

Salama Kila, arrested on 31 March 1992, Adra Prison

Ahmad Hasso, arrested on 17 March 1992, Adra Prison.

Annex 2

APPLICATION OF THE STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS: SOME CRITICAL CASES

Adnan al-Qadi

Riad al-Turk

Moustafa Khalifa

Abbas Abbas

Khaled Nasser

Hisham Zouqi

Mahmud Fayyadh

Muhammed Id Ashshawi

Rosette Issa

Issa Muhammed

Nabil Fawwaz

Nizar Mradni

Ghassan Kassis

Ahmad Hassan Mansour

Annex 3

THE FIRST SENTENCES OF THE STATE SECURITY COURT DELIVERED ON 24 JUNE 1993 AND 29 JUNE 1993 IN CASES NOS. 38, 39, 40/92

15 years' imprisonment with hard labour and deprivation of civil rights: Marwan Alali, Faysal Allouch, Malek Rachid As'ad, Adnan Bahloula, Ali Barazi, Muhammed Ayman Daghestani, Muhammed Hassan Dib, Marwan Mahassen, Monzer Melhem, Nizar Nasim Mikhaël, Abdel Halim Roumiya, Ali Sarem.

13 years' imprisonment with hard labour and deprivation of civil rights: Jamili Adanali, Jalal Maso'ud

12 years' imprisonment with hard labour and deprivation of civil rights: Abdelkarim Abdelrahman, Tharif Abdelrazzaq, Fouad al-Samman, Nazir Muhammed Sayfi, Ibrahim Watfa.

10 years' imprisonment with hard labour and deprivation of civil rights: Hassan Abdelkarim Ali, Faysal Dyab, Mahmoud Makhlouf

The 7 others convicted are: Hael al-Ali, Charif Albari, Muhammed Issam al-Dimashqi, Nidal Haddad, Asef Ma'rouf, Ghassan Moubarak, Danial Sa'ad.

Annex 4

PERSONS WHO HAVE BEEN IMPRISONED FOR AT LEAST 22 YEARS WITHOUT TRIAL 1/ OR WHO HAVE SERVED THEIR SENTENCE SINCE 1985 2/

(The date of imprisonment is shown in brackets)

Ahmad Swaidani (1969) 1/

Mustafa Fallah (1970) 2/

Khalil Brayez (1970) 2/

Mahmud Fayyadh (1970) 2/

Jalal el-din Mirhij (1970) 2/

Salah Jadid (1970) 1/

Muhammed Id Ashshawi (1970) 1/

Fawzi Rida (1970) 1/

Abdel Hamid Muqdad (1970) 1/

Dhafi Jouma'ni (1970) 1/

Mustafa Rustum (1970) 1/

Adel Naissa (1972) 1/